

Remarks

The Examiner has objected to claim 34 for lack of clarity and required correction thereof, which has been effected in the instant amendment. Claims 25, 26, 27, 32, 33, 34, 36 and 38 have been rejected under 35 USC 112 second paragraph for lack in clarity due to recitations of broad and narrow ranges in the same claim. In addressing these rejections, the subject claims have been appropriately amended. Review and acceptance is requested.

Claims 23, 28 and 42 stand rejected under 35 USC 102(b) as being anticipated by Martin '463. Claims 42 and 44 stand rejected under 35 USC 102(e) as being anticipated by McMeekin '703. Claims 24, 25, 27, 29 through 31, and 33 stand rejected under 35 USC 103(a) as being unpatentable over Martin '463. Claim 43 stands rejected under 35 USC 103(a) as being unpatentable over McMeekin '703. Claim 45 stands rejected under 35 USC 103(a) as being unpatentable over McMeekin '703 in view of Pike '749. Claims 26, 34, 35, and 41 stand rejected under 35 USC 103(a) as being unpatentable over Martin '463 in view of McMeekin '703. Claims 36 through 40 stand rejected under 35 USC 103(a) as being unpatentable over Martin '463 in view of Pike '749.

In addressing these rejections, the Applicant has amended claim 42 to further specify the manner in which the thermal bonding of step c) is effected. In particular, the process as claim in claim 42 is performed in such a way that the particles are melted in a surface region only while avoiding complete melting of the entire particles. In the melting process, the particle surfaces are smoothed and subsequent cooling of those

surfaces results in bonding of the particles to the fiber layer. New claim 46 is directed to a product by process claim made by the method of claim 42. Claims 23 through 40 are now dependent upon new product by process claim 46. The Applicant believes the application as amended is distinguished from the prior art of record for the following reasons.

Martin '463 discloses production of abrasive articles. In columns 22 and 23, Martin discloses two possible ways in which the particles can be attached to the fiber layer. In one embodiment, an adhesive is applied to the fiber layer and the particles are embedded in the adhesive. Alternatively, Martin proposes fashioning the fiber layer from a thermoplastic material and heating the fiber layer to cause the fibers therein to become adhesive (tacky). The particles are then applied to the tacky fiber layer and become embedded therein. Subsequent to cooling, the particles are bonded to the fiber layer. Martin mentions (lines 15 through 20, column 23) that enhanced adhesion can occur if the particles are preheated prior to application to the surface of the fiber layer. However, this procedure only causes slower cooling of the tacky fiber layer, thereby resulting an improved bonding. Martin does not imply that the particles are heated to the extent that their surfaces are melted and therefore provides no motivation for claim 42 as amended.

The McMeekin reference discusses (see paragraph 24) the application of raised elements to a fiber layer. However, in so doing, the raised elements are completely melted and applied as drops to the fiber layer. The drops are then rapidly cooled to prevent the melted raised elements from penetrating too deeply into the resulting fiber layer (see also examples 1 and 2 of McMeekin as well as method claim 11 "hot melt").

The invention as now claimed recites a method of producing a cosmetic pad which is carried out in a single step to both smooth the particle surfaces and bind those particles to the fiber layer. The precise manner in which this is carried out is now specified in method claim 42. None of the prior art of record suggests this step. The invention as claimed therefore recites elements having advantages with respect to both the final properties of the product as well as to the method of production thereof and is consequently sufficiently distinguished from the prior art of record to satisfy the conditions for patenting in the United States. Passage to issuance is therefore respectfully requested.

No new matter has been added in this amendment.

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